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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

2:08-CR-00191-PMP-PAL

9 **ORDER**

10 vs.)

11 SALVATORE LANZAFAME,)

12 Defendants.)
13 _____)


14 Before the Court for consideration is Defendant Salvatore Lanzafame's
15 Petition for Habeas Relief Under 28 U.S.C. § 2225 on Motion to Set Aside, Vacate
16 or Correct Sentence (Doc. #28), filed on February 22, 2010, and Plaintiff's Response
17 thereto (Doc. #30) filed April 9, 2010. Finding that Defendant Lanzafame's Petition
18 is without merit, the Court concludes it must be denied.

19 Specifically, under the Plea Agreement Defendant waived his current
20 claims that this Court erred in applying enhancements to his offense level, and by
21 declining a downward adjustment for acceptance of responsibility. Moreover, the
22 Court was clearly within its discretion in denying Lanzafame an adjustment for
23 acceptance of responsibility and in applying the enhancements in question.

24 Defendant Lanzafame has also failed to demonstrate that the assistance
25 provided by his counsel was ineffective under Strickland v. Washington, 466 U.S.
26 668 (1984).

1 **IT IS ORDERED that** Defendant Salvatore Lanzafame's Petition for
2 Habeas Relief Under 28 U.S.C. § 2225 on Motion to Set Aside, Vacate or Correct
3 Sentence (Doc. #28) is **DENIED**.

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5 DATED: April 21, 2010.

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8 PHILIP M. PRO
9 United States District Judge
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